

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

JOENELLIE MARTINEZ,

Plaintiff,

v.

DAVID MAHONEY,

Defendant.

ORDER

Case No. 18-cv-246-wmc

Pro se plaintiff Joenellie Martinez is proceeding on an Eighth Amendment claim against defendant related to conditions at the Dane County Jail. On August 13, 2018, defendant filed a motion for summary judgment on exhaustion grounds, and the court set September 4, 2018, as plaintiff's deadline to oppose defendant's motion. Plaintiff has failed to oppose the motion, nor has he sought an extension or otherwise provided the court with an indication that he plans to oppose the motion. Plaintiff's failure to respond to defendant's motion suggests that he may have lost interest in pursuing this case and no longer intends to prosecute it.

Plaintiff will receive *one* more opportunity to submit a substantive response to defendant's motion. If he fails to do so by the new deadline, the court will dismiss this case with prejudice under Rule 41 of the Federal Rules of Civil Procedure for his failure to prosecute.

ORDER

IT IS ORDERED that plaintiff Joenellie Martinez may have until **September 26, 2018**, to file a response to defendant's motion for summary judgment. **If plaintiff does**

not respond by that date, the court will dismiss this case with prejudice under Federal Rule of Civil Procedure 41(b) for plaintiff's failure to prosecute it.

Entered this 12th day of September, 2018.

BY THE COURT:

/s/

WILLIAM M. CONLEY
District Judge